

REMARKS

Claims 20-38 are pending. Claims 20-29 and 32-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US patent no. 5,212,373 (hereinafter Fujioka) in view of US patent application publication no. 2003/0178483 (hereinafter Wakabayashi). Claims 30-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fujioka in view of Wakabayashi and further in view of RFID Standards (ISO 1800-4 part 4, updated January 31, 2002). Reconsideration of the rejections and allowance of all the claims in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-19 were previously cancelled. Claims 21-26, and 33-37 are presently cancelled. Thus, claims 20, 27-32 and 38 remain pending in the present application.

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

Claim 20 has been amended to further emphasize aspects of the present invention. For example, claim 20 recites that the at least one energy store is a depletable energy store, (e.g., a battery). Claim 20 further recites generating a first clocking signal in a first oscillator. The first clocking signal has a first clock frequency. The first oscillator is controlled to continuously generate the first clocking signal. The mobile data memory is supplied with electrical energy from the energy store during a cycle inactive idle mode. The magnitude of power consumption during the idle mode comprises a first power consumption magnitude. A second clocking signal is cyclically generated in a second oscillator. The second clocking signal has a second clock frequency higher than the first clock frequency. A signal level corresponding to frequencies emitted by the read/write device is monitored. The signal level is compared relative to a detection threshold. When the monitored signal level exceeds the detection threshold, the second oscillator is controlled to generate the second clocking signal during a cyclic polling time of a polling cycle. If the monitored signal level reverts to a level below the detection threshold, then the second oscillator is switched off. The second clocking signal is supplied to a data receiver for data reception at a data reception rate during the cyclic polling time. The second clocking signal is also supplied to a data demodulator during the cyclic polling time. The second clock frequency

is sufficiently high relative to the data reception rate to oversample the data being received by the data receiver. Upon a recognition of valid data, data demodulation is performed by the demodulator. The second oscillator is switched on in advance by a predefined time interval relative to the start of the cyclic polling time and prior to performing the demodulation of the received data. Power consumption during the cyclic polling time comprises a second power consumption magnitude higher than the first power consumption magnitude. The duration of the cyclic polling time is selected to reduce power consumption and increase an operating life of the depletable energy store. Upon completion of the data demodulation, or a recognition of invalid data, the mobile data memory is reverted to the cycle inactive idle mode to reduce power consumption and increase an operating life of the depletable energy store. Support for the foregoing amendment may be found at least in FIGs. 1 and 2, and paragraphs [0023], [0026], [0040], and [0043]-[0047] of the US patent application publication of the present invention.

Applicant respectfully submits that the applied art (Fujioka/Wakabayashi/RFID Standards) fails to teach or suggest each of the structural and/or operational relationships set forth in independent claim 20. For example, it is not seen where such applied art teaches or suggests selecting the duration of the cyclic polling time to reduce power consumption and increase an operating life of the depletable energy store. Claims 21-29 each depend from claim 20 and consequently incorporate the structural and/or operational relationships of such a claim. Accordingly, these claims are also allowable over the applied art. Therefore, claims 20-29 are believed to be in condition for allowance.

Independent claims 32 and 38 have also been amended consistent with the concepts provided by the structural and/or operational relationships described above. Consequently, such independent claims, and claims depending from such claims, are also believed to be in condition for allowance.

In view of the claim amendments and discussion above, applicant does not believe that the arguments to be elaborated below are necessary. However, applicant will proceed to preserve such arguments in the record. The arguments below are directed to the instructions directed to Examiners as stated in the M.P.E.P., section 2141.03 VI instructing that the prior art must be considered in its entirety, including disclosure that teaches away from the claimed invention. The Office Communication correctly acknowledges that the Fujioka fails to teach or suggest each of the structural and/or operational relationships set forth in independent claim. The Office

Communication then applies Wakabayashi to purportedly remedy the deficiencies of Fujioka. However, as explained in greater detail below, Wakabayashi teaches away from the claimed invention. More particularly, Wakabayashi would change the principle of operation of Fujioka. Consequently, under this basis of traversal, the Fujioka/Wakabayashi combination fails to constitute a *prima facie* combination for appropriately sustaining an obviousness rejection under the statutory requirements.

Wakabayashi is directed to purportedly solving the problem (an inability to communicate) that arises when two or more noncontact IC cards are overlaid next to each other. See paragraph 4 of Wakabayashi. More particularly, Wakabayashi uses a switch control circuitry 61 to selectively interconnect capacitors C1 and C2 to avoid a drop in the magnitude of the output voltage from a resonator circuit 60 connected to a power circuit 62, which is a rectifier for converting to a DC voltage the AC voltage supplied by resonator 60. See paragraph 76 of Wakabayashi. It will be appreciated that one skilled in the art would recognize that resonator 60 and rectifier 62 comprise a power converter circuit, not an energy store, as set forth in the claimed invention. In fact, Wakabayashi has nothing to do with a method (or apparatus) to increase an operating life of any energy store or battery. One skilled in the art would appreciate that Wakabayashi merely describes switching control circuitry for adapting his power converter to compensate for electromagnetic effects that arise when two or more noncontact IC cards are overlaid next to each other.

It is respectfully submitted that, if anything, Wakabayashi teaches away from the claimed invention (as well as from the primary reference). The claimed invention recites structural and/or operational relationships for extending the life of an energy store while Wakabayashi describes techniques for adapting a power converter to compensate for electromagnetic effects that arise when two or more noncontact IC cards are overlaid next to each other. Therefore, if the Examiner opts to again apply, the Fujioka/Wakabayashi combination, applicant respectfully submits that such a combination fails to constitute a *prima facie* combination for appropriately sustaining an obviousness rejection under the statutory requirements.

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Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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